

was not effective for the purposes stated and implied; and, Section 502 (e) (2), the article was fabricated from two or more ingredients, and its label failed to bear the common or usual name of each active ingredient and failed to declare the amount of isopropyl alcohol contained therein. The article was misbranded in the above respects when introduced into, and while in, interstate commerce.

*Mor-Hair scalp treatment.* Misbranding, Section 502 (a), the statement on the carton label "The Mor-Hair Scalp Treatment Keys to luxuriant healthy hair" was false and misleading since the article was not effective for the purposes stated and implied. Further misbranding, Section 502 (a), certain statements in the above-mentioned leaflet accompanying the scalp treatment were false and misleading since the statements represented and suggested that the article was an adequate and effective treatment for baldness, dandruff, itchy scalp, and scalp disorders; and that it would maintain a healthful condition of the scalp and restore original color to dull and faded hair, whereas the article was not effective for the purposes stated and implied. The article was misbranded by reason of the statement on the carton label when introduced into, and while in, interstate commerce, and it was misbranded by the statements in the leaflet while held for sale after shipment in interstate commerce.

DISPOSITION: August 25, 1950. Default decree of condemnation. The court ordered that the products be disposed of by the United States marshal; accordingly, they were destroyed.

3259. Misbranding of Niagara devices. U. S. v. 31 Devices, etc. (F. D. C. No. 29074. Sample Nos. 71473-K, 71481-K, 71494-K, 71495-K.)

**LIBEL FILED:** April 21, 1950, Southern District of California; amended libel filed April 26, 1950.

**ALLEGED SHIPMENT:** On or about March 3 and April 12 and 20, 1950, by the Niagara Mfg. & Distributing Corp., from Buffalo, N. Y.; and on or about April 12, 1950, by the Niagara Massage Units Co., from Houston, Tex.

**PRODUCT:** 31 *Niagara Portable Model No. 2* devices and 11 *Niagara Hand Unit No. 1* devices, together with accompanying printed matter at Hollywood, Calif., in possession of the Niagara Units Co. Examination showed that the devices consisted of a vibrating electric motor mounted either in a metal cylinder (hand unit) or in an upholstered box (portable unit).

**LABEL, IN PART:** "Niagara of Adamsville Pennsylvania Portable Model No. 2 [or "Hand Unit No. 1"]."

**NATURE OF CHARGE:** Misbranding, Section 502 (a), the following statements in an accompanying circular entitled "Feel Better Look Years Younger" and similar statements in an accompanying circular entitled "Niagara Massage Units For Home Use" were false and misleading since the devices were not effective for the purposes stated and implied: "Feel Better Look Years Younger right in your own home the easy Niagara Way Reduce \* \* \* The Portable Unit \* \* \* to help you relieve those aching feet and legs, sore muscles, stiff joints \* \* \* lack of vitality. \* \* \* The Hand Unit can be used to \* \* \* smooth out wrinkles \* \* \* The Hand Unit is an indispensable aid for relieving that tired aching soreness across the shoulders and the back of the neck." The devices were misbranded in the above respects when introduced into, while in, and while held for sale after shipment in, interstate commerce.

Further misbranding, Section 502 (a), certain statements in other printed matter accompanying the devices were false and misleading since the devices were not an adequate and effective treatment for the conditions stated and implied, and the use of the devices would not fulfill the other promises of benefit stated and implied. The accompanying printed matter consisted of a leaflet entitled "Suggested Method of Treatment with Niagara Therapeutic, Reducing and Hand Units"; a case history letter, a letter beginning "I will answer the questions," and another letter beginning "We are truly concerned about you"; a circular entitled "Reduce at Home The Easy Niagara Way"; and a sales manual. The false and misleading statements in the printed matter represented and suggested that the devices were an adequate and effective treatment for overweight, head colds, high and low blood pressure, numbness of arms, extreme fatigue, hives; stiff knees, arms, and hands; pain in knees, sore feet, extreme nervous fatigue, migraine headaches, nervous tension, pallor, fungus growth on nails, arthritis, neuritis, insomnia, sinusitis, varicose veins, hemorrhoids, numbness and cold feet, periodic cramps, arteriosclerosis, atonic and spastic constipation, chronic phlebitis, catarrhal deafness, bronchitis, rhinitis, asthma, sciatica, myositis, general run-down conditions, and poor circulation; and that use of the devices would firm sagging facial muscles, remove double chin and wrinkles, insure the user normal good health, reduce the female generative organs to their normal nonpregnant size and condition, bring about normal menstruation, and lower the insulin requirement in diabetes. The devices were misbranded in the above respects while held for sale after shipment in interstate commerce.

**DISPOSITION:** September 29, 1950. The Niagara Mfg. & Distributing Corp., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the devices be released under bond for relabeling, under the supervision of the Federal Security Agency.

#### DRUGS FOR VETERINARY USE

**3260. Misbranding of Sal-Vet Concentrate and Sal-Vet Mineral Supplement.**

U. S. v. 5 Cases, etc. (F. D. C. No. 29369. Sample Nos. 54791-K, 54792-K)

**LABEL FILED:** June 28, 1950, Southern District of Mississippi; amended libel filed July 12, 1950.

**ALLEGED SHIPMENT:** On or about March 3, 1950, by the Sal-Vet Mfg. Co., from Cleveland, Ohio.

**PRODUCT:** 5 cases, each containing 12 3-pound cartons, of a product designated as *Sal-Vet Concentrate*, and 3 90-pound drums of a product designated as *Sal-Vet Mineral Supplement*, at Canton, Miss., together with a number of accompanying leaflets entitled "How To Make Your Own Sal-Vet."

Examination disclosed that the product under both designations was of the same composition, and that it consisted essentially of limestone, approximately 67 percent; sulfur, 4.5 percent; Glauber's salt, 3.3 percent; iron sulfate, 2 percent; and charcoal; and that it contained no significant proportion of any animal feeding oil or linseed oil.

**NATURE OF CHARGE:** Misbranding, Section 502 (a), the following statements in the accompanying leaflets were false and misleading since the articles were not effective for the purposes stated and implied: "Sal-Vet will keep your livestock in the best of condition; worm free, strong and sturdy with resistance